

REMARKS

This amendment is filed in reply to the Office Action dated February 13, 2004.

Please cancel claims 25 through 52 without prejudice.

Examiner has rejected claims 1-25 as unpatentable over Barry et al. (EP 1050314A1) in view of Dxiabo et al. (US 5,515,117).

Barry discloses contact lenses which contain ceramic carriers, such as zeolites which retain antimicrobial metal ions. The zeolites may be coated onto a preformed contact lens or incorporated into the lens precursor prior to polymerization. Barry et al. neither discloses nor suggests that the zeolites be coated.

Dxiabo et al. discloses covalently bonding a reactable compound to the surface of a preformed contact lens. The reactable coating has a functional portion which covalently bonds to the contact lens and an active portion which provides antimicrobial activity. The active portions disclosed by Barry are organic groups. The lenses of Dxiabo contain neither antimicrobial metal ions nor zeolites.

Claim 1 of the present invention recites "[a]n antimicrobial lens comprising a coated zeolite". There is nothing in Dxiabo which would suggest using the reactable coatings disclosed therein to coat anything other than a contact lens. Unlike Dxiabo, the present invention relates to a contact lens comprising a coated zeolite. Moreover, there is no suggestion in Dxiabo that anything other than a preformed contact lens should be coated with the reactable compounds disclosed therein. Nor is there any suggestion in Barry that the zeolites should be coated. The only suggestion to coat a zeolite comes from the claims of the present invention. "When prior art reference require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself." *Uniroyal Inc. v. Rudkin-Wiley Corp.*, 5 U.S.P.Q. 2d 1434 (Fed. Cir. 1988). Accordingly, Applicants respectfully submit that a prima facie case of obviousness has not been made.

Assuming that a prima facie case had been made (which it has not), the present application contains a showing of surprising results sufficient to over it. Table 3 on page 31 compares the release assay results for contact lenses comprising uncoated zeolites (Lens C) and two coated zeolites (Lenses G and H). The table is reproduced below.

Table 3

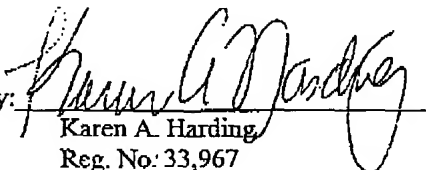
	Lens G ¹	Lens H ¹	Lens C ¹
Time			
Days	Ag%	Ag%	Ag%
0	100	100	100
1	48.9	39.4	41
2	29.3	32.9	13
3	30.1	28.8	10
4	31.8	31.8	<9
5	27.9		<9

As is clearly seen from the Table, Lenses G and H retained about three times more silver on day 3 and after than the uncoated lens C. There is absolutely nothing in either Barry et al. or Dxiabo et al. which suggests this very substantial improvement in the release rate of silver.

Applicants respectfully submit that the foregoing amendments have traversed the Examiner's rejection. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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